

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV10-02455-AHM (VBKx)	Date	November 5, 2012
Title	SEAN S. SIMONYAN v. COUNTRYWIDE FINANCIAL CORPORATION, et al.		

Present: The Honorable A. HOWARD MATZ, U.S. DISTRICT JUDGE

Stephen Montes

Katie Thibodeaux

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Stephen P. O'Dell

Julia Trankiem

Proceedings: MOTION for Settlement Approval of Motion for Certification of Settlement Class and for Preliminary Approval of Settlement filed by Plaintiff Sean S Simonyan [144] (non-evidentiary)

Court circulates tentative order and hears oral argument. For reasons stated on the record, the Court denies the motion for preliminary approval without prejudice. Any renewed motion must address the concerns the Court expressed at the hearing, including the following:

- The classes must be defined temporally. The renewed motion must contain an explanation for the dates selected.
- The definition of the Severance Class must be amended in order to cure defects under Rule 23.
- The motion must state how many individuals are members of each class and subclass. The notice must indicate to the recipient which classes or subclasses he or she is a member of.
- The notice must explain the calculation of the each class member's award with greater clarity and specificity. An example of an award calculation must be included, as must the average award for the members of each class.
- The notice must specify the proposed recipient or recipients of any *cy pres* award. In the renewed motion, the parties should explain why their intended organizations would be proper recipients under Ninth Circuit case law. Moreover, the parties must also explain why an award that would be given to a *cy pres* organization should not instead be divided among the class members participating in the

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settlement.

- The notice must also incorporate the changes in the tentative order that the Court distributed at the hearing.

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Initials of Preparer _____ SMO _____